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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
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SEALED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CR. NO. 1:07CR316 LJO
)	
Plaintiff,	)	VIOLATIONS: 21 U.S.C. §§
v.	)	841(a)(1), 841(b)(1)(A), and 846
	)	- Conspiracy to Distribute and to
ANDY LIENG,	)	Possess With Intent to Distribute
aka Xi Andy Lieng, Jr.,	)	Marijuana; 21 U.S.C. §§ 841(a)(1)
aka Andy Xi Lieng, Jr.,	)	and (b)(1)(A), 18 U.S.C. § 2 -
JENNY CHI HA,	)	Manufacture of Marijuana and
aka Phuong A. Ha,	)	Aiding and Abetting; 21 U.S.C. §
TONY LIENG,	)	856(a)(1), 18 U.S.C. § 2 -
aka Ung A. Lieng,	)	Maintaining a Place for
LYNN TRUONG,	)	Manufacturing Marijuana and
aka Linh Thi Truong,	)	Aiding and Abetting; 18 U.S.C. §§
SHIRLEY WONG,	)	1341 and 1349 - Conspiracy to
aka Ngoc Le Vuong, and	)	Commit Mail Fraud; 18 U.S.C. §§
MONIQUE LE NGUYEN,	)	1341, 2 - Mail Fraud and Aiding
aka Monique Dzung Le,	)	and Abetting (12 Counts); 18
	)	U.S.C. §§ 981(a)(1)(C) and
Defendants.	)	982(a)(2) and 28 U.S.C. § 2461(c)
	)	- Criminal Forfeiture

S E C O N D S U P E R S E D I N G I N D I C T M E N T

COUNT ONE: [21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846 -
Conspiracy to Distribute and to Possess With Intent
to Distribute Marijuana]

The Grand Jury charges: T H A T

ANDY LIENG,

1 Code, Section 2.

2 COUNT THREE: [21 U.S.C. § 856(a)(1), 18 U.S.C. § 2 - Maintaining
3 a Place for Manufacturing Marijuana and Aiding and
Abetting]

4 The Grand Jury further charges: T H A T
5 ANDY LIENG,
6 aka Xi Andy Lieng, Jr.,
7 aka Andy Xi Lieng, Jr., and
JENNY CHI HA,
aka Phuong A. Ha,

8 defendants herein, beginning at a time unknown, but no later than
9 on or about August 1, 2007, and continuing to on or about October
10 29, 2007, in the County of Fresno, State and Eastern District of
11 California, and elsewhere, did knowingly and intentionally
12 maintain, and aid and abet the maintenance of, places at 5307 West
13 Donner Avenue, Fresno, California and 2482 South Villa Avenue,
14 Fresno, California, for the purpose of manufacturing marijuana, a
Schedule I controlled substance,

15 All in violation of Title 21, United States Code, Section
16 856(a)(1), and Title 18, United States Code, Section 2.

17 COUNT FOUR: [18 U.S.C. §§ 1341 and 1349 - Conspiracy to Commit
18 Mail Fraud]

19 The Grand Jury further charges:

20 ANDY LIENG,
21 aka Xi Andy Lieng, Jr.,
22 aka Andy Xi Lieng, Jr.,
JENNY CHI HA,
23 aka Phuong A. Ha,
TONY LIENG,
24 aka Ung A. Lieng,
LYNN TRUONG,
25 aka Linh Thi Truong,
SHIRLEY WONG,
26 aka Ngoc Le Vuong, and
MONIQUE LE NGUYEN, aka
Monique Dzung Le,

27 defendants herein, as follows:

28 ////

1 I. INTRODUCTION

2 At all times material to this Indictment:

3 1. Defendants ANDY LIENG and HA lived together as husband and
4 wife in Fresno, California;

5 2. Defendants ANDY LIENG and TONY LIENG were brothers;

6 3. Defendants TONY LIENG and LYNN TRUONG lived together as
7 husband and wife in Clovis, California;

8 4. Defendant WONG was a resident of San Jose, California;

9 5. Defendant NGUYEN was a resident of Milpitas, California
10 and was a licensed Real Estate Salesperson at Confidential
11 Investments, a mortgage brokering business in Milpitas, California
12 owned by NGUYEN and her husband.

13 II. THE CONSPIRACY

14 6. Beginning at a time unknown, but no later than in or about
15 June, 2006, and continuing to in or about August, 2007, in the
16 State and Eastern and Northern Districts of California and
17 elsewhere, the defendants did knowingly conspire with each other,
18 and with others known and unknown, to commit mail fraud, in
19 violation of Title 18, United States Code, Sections 1341 and 1349.

20 III. MANNER AND MEANS

21 7. It was a part of the conspiracy that the defendants
22 employed the following manner and means to effect the object of the
23 conspiracy:

24 8. The defendants did knowingly devise and intend to devise a
25 scheme and artifice to defraud various financial institutions and
26 mortgage lenders and to obtain money from the financial
27 institutions and mortgage lenders by means of materially false and
28 fraudulent pretenses, representations, and promises. As a result

1 of the fraud, the defendants induced the financial institutions and
2 mortgage lenders to issue approximately \$2,109,550 in residential
3 home loans, which were applied to the purchase of five residential
4 properties in Fresno, Clovis, and Willits, California. Further, as
5 a result of the fraud, some, if not all, of the five residential
6 properties were utilized, or intended to be utilized, to conceal
7 the indoor cultivation of marijuana. In addition, as a result of
8 the fraud, payments on the loans of the properties in the Eastern
9 District of California were subsequently defaulted and ultimately
10 foreclosed upon.

11 9. Specifically, defendants HA, TRUONG, and WONG entered into
12 agreements and/or contracts to purchase various residential
13 properties, including residences located at:

14 3082 Everglade Avenue, Clovis, Fresno County, California;
15 2690 East Yeargin Drive, Fresno, Fresno County, California;
16 5307 West Donner Avenue, Fresno, Fresno County, California;
17 2482 South Villa Avenue, Fresno, Fresno County, California;

18 and

19 3550 Chinquapin Drive, Willits, Mendocino County, California.

20 10. Defendant NGUYEN, serving as a mortgage loan broker or
21 processor, obtained personal information from defendants ANDY
22 LIENG, HA, TONY LIENG, TRUONG and WONG for use in the mortgage loan
23 application packages associated with the above property
24 transactions.

25 11. Defendant NGUYEN, serving as a mortgage broker or
26 processor, assisted defendants HA, TRUONG, and WONG in obtaining
27 loans to finance 100% of the purchase prices of the real properties
28 described above.

1 12. The defendants collectively caused materially false loan
2 applications and other loan documents to be prepared and submitted
3 to the financial institutions and mortgage lenders in connection
4 with these real property transactions. Such loan applications and
5 other documents contained material false representations and
6 omissions including, among other things:

7 a. False representations/omissions regarding the
8 buyer/borrower's monthly income;

9 b. False representations/omissions regarding the
10 buyer/borrower's employment or self-employment history;

11 c. False representations/omissions regarding the
12 buyer/borrower's rental history;

13 d. False representations/omissions regarding the
14 buyer/borrower's assets, including deposits in financial
15 institutions, and liabilities, including pending real property
16 transactions; and

17 e. False representations relating to the
18 buyer/borrower's intent to reside at the residence.

19 13. The defendants signed, submitted and caused to be
20 submitted loan applications and related documents to financial
21 institutions and mortgage lenders which contained the material
22 false representations and/or omissions noted above.

23 14. As part of the purchase transactions, the defendants
24 caused to be sent or delivered by mail or mail carrier various
25 Grant Deeds and Deeds of Trust relating to the aforementioned real
26 properties to defendants HA, TRUONG, and WONG, and/or the financial
27 institutions and mortgage lenders, which financed those properties.

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III. OVERT ACTS

15. In furtherance of the conspiracy and to achieve the object thereof, the defendants did knowingly cause to be placed in a post office or authorized mail depository for mail matter, the matters specified below, to be sent or delivered by the United States Postal Service, or did knowingly cause to be deposited, the matters specified below, to be sent or delivered by any private or commercial interstate carrier, or did knowingly cause to be delivered by mail or such carrier, the matters specified below, all of which constitute overt acts in furtherance of the conspiracy:

Overt Act	Defendant(s)	Date	From	To	Item Sent
1	WONG NGUYEN	7/12/06	Fresno County Recorder's Office	Shirley Wong	Grant Deed re: 3082 Everglade
2	WONG NGUYEN	7/12/06	Fresno County Recorder's Office	MortgageIT	Trust Deed re: 3082 Everglade
3	WONG NGUYEN	7/12/06	Fresno County Recorder's Office	MortgageIT	Trust Deed re: 3082 Everglade
4	WONG NGUYEN	7/14/06	Fresno County Recorder's Office	Shirley Wong	Grant Deed re: 2690 E. Yeargin
5	WONG NGUYEN	7/14/06	Fresno County Recorder's Office	GreenPoint Mortgage	Trust Deed re: 2690 E. Yeargin
6	WONG NGUYEN	7/14/06	Fresno County Recorder's Office	GreenPoint Mortgage	Trust Deed re: 2690 E. Yeargin

7	TRUONG	9/25/06	Notary Public Willoughby- Cropper	GreenPoint Mortgage	Trust Deed re: 3550 Chinquapin Dr., Willits, CA
8	TRUONG	9/25/06	Notary Public Willoughby- Cropper	GreenPoint Mortgage	Trust Deed re: 3550 Chinquapin Dr., Willits, CA
9	TONY LIENG	9/25/06	Notary Public Willoughby- Cropper	GreenPoint Mortgage	Interspousal Transfer Grant Deed Re: 3550 Chinquapin Dr., Willits, CA
10	HA NGUYEN	7/26/07	Fresno County Recorder's Office	Wachovia Mortgage	Trust Deed re: 2482 S. Villa
11	HA NGUYEN	8/01/07	Fresno County Recorder's Office	Jenny Chi Ha	Grant Deed re: 2482 S. Villa
12	HA NGUYEN	8/01/07	Fresno County Recorder's Office	GreenPoint Mortgage	Trust Deed re: 2482 S. Villa

All in violation of Title 18, United States Code, Sections
1341 and 1349.

COUNTS FIVE THROUGH SIXTEEN: [18 U.S.C. § 1341 - Mail Fraud]

The Grand Jury charges:

ANDY LIENG,
aka Xi Andy Lieng, Jr.,
aka Andy Xi Lieng, Jr.,
JENNY CHI HA,
aka Phuong A. Ha,
TONY LIENG,
aka Ung A. Lieng,
LYNN TRUONG,
aka Linh Thi Truong,
SHIRLEY WONG,
aka Ngoc Le Vuong, and
MONIQUE LE NGUYEN, aka
Monique Dzung Le,

1 defendants herein, as follows:

2 1. The allegations contained in paragraphs 1 through 5 of
3 Count Four are hereby incorporated herein by this reference.

4 2. Beginning at a time unknown to the grand jury, but no
5 later than in or about June, 2006, and continuing to in or about
6 August, 2007, in the State and Eastern District of California and
7 elsewhere, the defendants did knowingly devise and intend to devise
8 a scheme and artifice to defraud various financial institutions and
9 mortgage lenders and to obtain property and money from the
10 financial institutions and mortgage lenders by means of materially
11 false and fraudulent pretenses, representations, and promise, as
12 more fully set forth in paragraphs 8 through 15 of Count Four,
13 incorporated herein by this reference. As a result of the fraud,
14 the defendants induced the financial institutions and mortgage
15 lenders to issue approximately \$2,109,550 in residential home
16 loans. In addition, as a result of the fraud, payments on the
17 loans were subsequently defaulted and ultimately foreclosed upon.

18 COUNT MAILINGS

19 3. On or about the dates set forth below, in the Eastern
20 District of California and elsewhere, for the purpose of executing
21 the aforementioned scheme and artifice to defraud, the defendants,
22 as charged in the counts below, did knowingly cause to be placed in
23 a post office or authorized mail depository for mail matter, the
24 matters specified below, to be sent or delivered by the United
25 States Postal Service, or did knowingly cause to be deposited, the
26 matters specified below, to be sent or delivered by any private or
27 commercial interstate carrier, or did knowingly cause to be
28 delivered by mail or such carrier, the matters specified below:

Count	Defendant (s)	Date	From	To	Item Sent
5	WONG NGUYEN	7/12/06	Fresno County Recorder's Office	Shirley Wong	Grant Deed re: 3082 Everglade
6	WONG NGUYEN	7/12/06	Fresno County Recorder's Office	MortgageIT	Trust Deed re: 3082 Everglade
7	WONG NGUYEN	7/12/06	Fresno County Recorder's Office	MortgageIT	Trust Deed re: 3082 Everglade
8	WONG NGUYEN	7/14/06	Fresno County Recorder's Office	Shirley Wong	Grant Deed re: 2690 E. Yeargin
9	WONG NGUYEN	7/14/06	Fresno County Recorder's Office	GreenPoint Mortgage	Trust Deed re: 2690 E. Yeargin
10	WONG NGUYEN	7/14/06	Fresno County Recorder's Office	GreenPoint Mortgage	Trust Deed re: 2690 E. Yeargin
11	TRUONG	9/25/06	Notary Public Willoughby- Cropper	GreenPoint Mortgage	Trust Deed re: 3550 Chinquapin Dr., Willits, CA
12	TRUONG	9/25/06	Notary Public Willoughby- Cropper	GreenPoint Mortgage	Trust Deed re: 3550 Chinquapin Dr., Willits, CA
13	TONY LIENG	9/25/06	Notary Public Willoughby- Cropper	GreenPoint Mortgage	Interspousal Transfer Grant Deed Re: 3550 Chinquapin Dr., Willits, CA
14	HA NGUYEN	7/26/07	Fresno County Recorder's Office	Wachovia Mortgage	Trust Deed re: 2482 S. Villa

15	HA NGUYEN	8/01/07	Fresno County Recorder's Office	Jenny Chi Ha	Grant Deed re: 2482 S. Villa
16	HA NGUYEN	8/01/07	Fresno County Recorder's Office	GreenPoint Mortgage	Trust Deed re: 2482 S. Villa

All in violation of Title 18, United States Code, Sections 1341 and 2.

FORFEITURE ALLEGATION: [18 U.S.C. §§ 981(a)(1)(C) and 982(a)(2) and 28 U.S.C. § 2461(c)]

The Grand Jury further charges:

1. The allegations contained in Count[s] Four through Sixteen of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2) and Title 28, United States Code, Section 2461(c).]

2. Upon conviction of the offense[s] in violation of Title 18, United States Code, Sections 1341 and 1349 set forth in Count[s] Four through Sixteen of this Indictment, the defendant[s], shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense(s). The property to be forfeited includes, but is not limited to, the following:

- a. A money judgment in the amount of \$2,109,550;
- b. Real property located at 3550 Chinquapin Drive, Willits, Mendocino County, California.
3. If any of the property described above, as a result of any

1 act or omission of the defendant[s]:

- 2 a. cannot be located upon the exercise of due diligence;
3 b. has been transferred or sold to, or deposited with, a
4 third party;
5 c. has been placed beyond the jurisdiction of the court;
6 d. has been substantially diminished in value; or
7 e. has been commingled with other property which cannot be
8 divided without difficulty,

9 the United States of America shall be entitled to forfeiture of
10 substitute property pursuant to Title 21, United States Code,
11 Section 853(p), as incorporated by Title 28, United States Code,
12 Section 2461(c). All pursuant to 18 U.S.C. §§ 981(a)(1)(C),
13 982(a)(2) and 28 U.S.C. § 2461(c).

14 A TRUE BILL.

15 **/s/ Signature on file w/AUSA**

16 FOREPERSON

17 BENJAMIN B. WAGNER
18 United States Attorney
19 **Mark E. Cullers**

20 By MARK E. CULLERS
21 Assistant U.S. Attorney
22 Chief, Fresno Office
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